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## CONGRESSIONAL RECORD — SENATE

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liable for damages, reasonable attorneys' fees, and litigation costs as provided in subsection (e) notwithstanding any provisions of the Federal Tort Claims Act.

(g) A determination by a court of a violation of internal operating procedures adopted pursuant to this Act should not be a basis for excluding evidence in a criminal case unless the violation is of constitutional dimension or is otherwise so serious as to call for the exercise of the supervisory authority of the court.

## CRIMINAL PENALTIES

SEC. 309. Any government employee who willfully disseminates, maintains, or uses information knowing such dissemination, maintenance, or use to be in violation of this Act shall be fined not more than \$10,000.

## AUDIT AND ACCESS TO RECORDS BY THE GENERAL ACCOUNTING OFFICE

SEC. 310. (a) The Comptroller General of the United States shall from time to time, at his own initiative or at the request of either House or any committee of the House of Representatives or the Senate or any joint committee of the two Houses, conduct audits and reviews of the activities of the Commission on Criminal Justice Information under this Act. For such purpose, the Comptroller General, or any of his duly authorized representatives, shall have access to and the right to examine all books, accounts, records, reports, files, and all other papers, things, and property of the Commission or any Federal or State agencies audited by the Commission pursuant to section 304(a)(6) of this Act, which, in the opinion of the Comptroller General, may be related or pertinent to his audits and reviews of the activities of the Commission. In the case of agencies audited by the Commission, the Comptroller General's right of access shall apply during the period of audit by the Commission and for three years thereafter.

(b) Notwithstanding any other provision of this Act, the Comptroller General's right of access to books, accounts, records, reports, and files pursuant to and for the purposes specified in subsection (a) shall include any information covered by this Act. However, no official or employee of the General Accounting Office shall disclose to any person or source outside of the General Accounting Office any such information in a manner or form which identifies directly or indirectly any individual who is the subject of such information.

## PRECEDENCE OF STATE LAWS

SEC. 311. Any State law or regulation which places greater restrictions upon the maintenance, use, or dissemination of criminal justice information, criminal justice intelligence information, or criminal justice investigative information or which affords to any individuals, whether juveniles or adults, rights of privacy or other protections greater than those set forth in this Act shall take precedence over this Act or regulations issued pursuant to this Act with respect to any maintenance, use, or dissemination of information within that State.

## APPROPRIATIONS AUTHORIZED

SEC. 312. For the purpose of carrying out provisions of this Act, there are authorized to be appropriated such sums as the Congress deems necessary.

## SEVERABILITY

SEC. 313. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

## REPEALERS

SEC. 314. The following provisions of law are hereby repealed:

(a) The second paragraph under the heading entitled "Federal Bureau of Investigation;

tion; Salaries and Expenses" contained in the Department of Justice Appropriations Act, 1973; and

(b) Any of the provisions of the Privacy Act of 1974, Public Law 93-579, 88 Stat. 1898, applicable to information covered by this Act.

## EFFECTIVE DATE

SEC. 315. The provisions of sections 301 through 307 and of sections 310 and 312 of this Act shall take effect upon the date of enactment and members, officers, and employees of the Commission on Criminal Justice Information may be appointed and take office at any time after that date. Provisions of the remainder of the Act shall take effect one year after the date of enactment: *Provided, however, That the Commission may, in accordance with section 304(b), delay the effective date of any provision for up to one additional year.*

By Mr. JACKSON (by request):

S. 2010. A bill providing for the improvement of law enforcement and the determination of civil and criminal jurisdiction and law in Indian country, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, at the request of the National Congress of American Indians, I introduce, for appropriate reference, a bill providing for the improvement of law enforcement and the determination of civil and criminal jurisdiction and law in Indian country, and for other purposes.

The purpose of the bill I introduce today is to enable certain Indian tribes to reacquire jurisdiction which was assumed by State pursuant to Public Law 280. That public law was adopted by the 83d Congress and signed into law on August 15, 1953. It was adopted during a period in which the expressed Federal policy toward Indians sought to terminate Federal responsibility for, and special relationships with, Indian tribes. The avowed purpose of Public Law 280 was to give all of the States the option of assuming civil and criminal jurisdiction over Indian reservations within their borders. Prior to that time, State jurisdiction over Indian reservations was limited to that conferred by special acts of Congress or judicially recognized because of the involvement of non-Indians. Jurisdiction over civil and criminal matters between Indians on their reservations rested with either the tribal governments or the Federal Government.

As adopted in 1953, the statute subjected, with three exceptions, the Indian tribes in five specified States to the civil and criminal jurisdiction of those States, and gave the consent of the United States to the assumption of such jurisdiction by all other States. The right to initiate the assumption of such jurisdiction was given entirely to the States. Despite the objections of several Indian representatives, no requirement that the consent of the Indian tribes affected be obtained was included. A 1968 amendment to Public Law 280 gave Indian tribes the consent privilege over prospective acquisition of civil and criminal jurisdiction by the States.

Mr. President, I am introducing the measures at the request of the National Congress of American Indians. My introduction of the bill neither reflects my

support nor opposition to its various provisions. The bill represents the official position of the National Congress of American Indians with respect to Public Law 280 and the public policy issues emanating from that public law. As the attached letter from the president of the national congress indicates, they have requested that I introduce their bill so that it might be considered along with other pending measures that will be the subject of hearings before the Subcommittee on Indian Affairs in the near future.

Several of the Indian tribes in my home State of Washington are constituent members of the National Congress of American Indians and as an accommodation to those tribal groups, as well as the national congress in general, I am introducing the proposed legislation as a service to the organization.

In conclusion, I want to reiterate my belief that the position of the National Congress of American Indians with respect to Public Law 280 deserves consideration along with other pending proposals to be considered at the forthcoming subcommittee hearing.

I ask unanimous consent that the bill, together with the national congress letter to me, be printed in the RECORD.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 2010

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Indian Law Enforcement Improvement Act of 1975."*

## TITLE I—DETERMINATION OF CIVIL AND CRIMINAL JURISDICTION AND LAW

SEC. 101.—The Congress, after careful review of the Federal Government's historical and special legal relationship with the American Indian people, finds that:

(a) The Federal Government has heretofore recognized the sovereignty of Indian tribes through treaties, agreements, and executive orders and statutes;

(b) Congress has heretofore declared it to be the policy of the United States to guarantee self-determination to American Indians and to preserve the Federal Government's relationship with and responsibility to Indian tribes;

(c) The lack of a consistent Congressional Indian policy in the past has resulted in the nuclear jurisdictional status of Indian country with varying patterns of jurisdictional checkerboarding, overlapping and inconsistencies which show little or no promise of clear and workable judicial determination;

(d) It has not been finally judicially determined whether the application of tribal, state, and federal civil and criminal jurisdiction and law in Indian country is exclusive or concurrent;

(e) Jurisdictional problems of increasing severity and magnitude in Indian country have demonstrated that subjecting Indians and Indian country to state or federal civil and criminal jurisdiction and law without regard to the unique cultural, political, geographic and social factors of each Indian tribe and reservation is unjust and unworkable;

(f) The Indian tribes will never surrender their right to determine civil and criminal jurisdiction and law within the Indian country;

(g) True self-determination of Indian tribes and the solution of jurisdictional problems in Indian country require that Indian

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tribes design their own legal and judicial systems and determine how the exercise of civil and criminal jurisdiction and law in Indian country be shared by tribal, state and federal governments and whether such jurisdiction and law be exclusive or concurrent; Indian tribal government and sovereignty must therefore be nurtured and strengthened by comprehensive federal assistance in the improvement of law enforcement in Indian country.

SEC. 102(a)—As used in this Act, the term "Indian country" includes:

(1) all land within the exterior boundaries of any federally recognized Indian reservation, notwithstanding the issuance of any trust or fee patent, and including any rights-of-way running through the reservation;

(2) all dependent Indian communities within the borders of the United States, whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State;

(3) all trust or restricted Indian allotments or lands including any rights-of-way running through them; and

(4) all trust or restricted land outside the limits of any Indian reservation held by the United States for any Indian tribe, band, community, group, or pueblo.

(b) As used in this Act, the term "tribe" shall, where appropriate, mean federally recognized Indian tribe, band, community, group, or pueblo.

SEC. 103(a)—In any case in which, pursuant to the provisions of sections 2, 4, 6, or 7 of the Act of August 15, 1953, 67 Stat. 588, the Act of February 8, 1887, 24 Stat. 390, the Act of May 27, 1902, 32 Stat. 245, the Act of May 31, 1902, 32 Stat. 284, the Act of May 8, 1906, 34 Stat. 182, the Act of May 6, 1910, 36 Stat. 348, the Act of December 30, 1916, 39 Stat. 865, the Act of June 14, 1918, 40 Stat. 606, the Act of April 28, 1924, 43 Stat. 111, the Act of June 26, 1936, 49 Stat. 1987, the Act of August 25, 1937, 50 Stat. 806, the Act of June 25, 1948, 62 Stat. 827, the Act of July 2, 1948, 62 Stat. 1224, the Act of September 13, 1950, 64 Stat. 845, the Act of August 27, 1954, 68 Stat. 868, the Act of June 18, 1956, 70 Stat. 290, the Act of August 8, 1958, 72 Stat. 545, the Act of April 11, 1968, 82 Stat. 73, or the Act of November 25, 1970, 84 Stat. 1358, or court decisions, any area of Indian country or person therein is subject to State civil or criminal jurisdiction or law, the Indian tribe affected is authorized to adopt resolutions indicating its desire (1) to have the United States reacquire all or any measure of such civil or criminal jurisdiction and to have all or any measure of the corresponding civil or criminal law of the State no longer applicable, and (2) to determine whether tribal, civil, or criminal jurisdiction or law shall be concurrent with all or any measure of federal or State civil or criminal jurisdiction or law.

(b) Any such resolution shall be adopted by the tribal council or other governing body of such tribe, or shall be adopted by the initiative or referendum procedure contained in the tribal constitution and bylaws: *Provided, however, That if the tribal constitution and bylaws contain no initiative or referendum procedure, the resolution may be adopted by majority vote of the eligible voters who are enrolled members of the tribe residing on its reservation in a referendum election upon a petition signed by at least 25 percent of the eligible voters of the tribe who are enrolled members residing on its reservation.*

(c) Ninety days following receipt by the Secretary of the Interior of any such resolution adopted in accordance with the provisions of this Act, the resolution shall be effective unless the Secretary of the Interior has within that period formally disapproved the resolution for the reason that (1) the

tribe has no applicable existing or proposed law and order code, or (2) the tribe has no plan for fulfilling its responsibilities under the jurisdiction sought to be reacquired or determined.

(d) Whenever the resolution shall become effective, (1) the United States shall reacquire, in accordance with the provisions of the resolution, all or any measure of such civil or criminal jurisdiction in such area of Indian country or parts thereof occupied by the tribe, and all or any measure of the corresponding civil or criminal law of the State shall no longer be applicable therein, and (2) tribal civil or criminal jurisdiction or law shall, in accordance with the provisions of the resolution, be concurrent with all or any measure of Federal or State civil or criminal jurisdiction or law.

(e) Upon disapproval by the Secretary of any such resolution, the Secretary shall immediately assist the tribe under title II hereof in preparation of a law and order code or plan, and when such inadequacies are alleviated, the Secretary shall approve the resolution. In the event of disapproval by the Secretary of any such resolution, the tribe affected may appeal the disapproval to the Federal Court for the District of Columbia in which original jurisdiction for any such appeal is hereby vested, and the Secretary shall have the burden of sustaining his findings upon which the resolution was disapproved.

SEC. 104—No action or proceeding pending before any court or agency of any State immediately prior to the reacquisition or determination of jurisdiction pursuant to this Act shall abate by reason thereof. For purposes of any such action or proceeding, such reacquisition or determination of jurisdiction shall take effect on the day following the date of final determination of such action or proceeding.

SEC. 105—Section 6 of the Act of August 15, 1953 (67 Stat. 588) is hereby repealed, but such repeal shall not affect any cession of jurisdiction validly made pursuant to such section prior to its repeal.

#### TITLE II—IMPROVEMENT OF LAW ENFORCEMENT ON INDIAN RESERVATIONS

SEC. 201 (a) The Secretary of the Interior is authorized and directed to establish and implement programs to improve law enforcement and the administration of justice within Indian reservations and Indian country.

(b) In implementing such programs the Secretary is authorized to make grants to and contracts with Indian tribes, to implement programs and projects to—

(1) determine the feasibility of Federal reacquisitions of jurisdiction and determination of jurisdiction over such Indian country or parts thereof occupied by such tribes, including preparation of law and order codes, substantive laws, codes of civil and criminal procedure, and establishment of plans for fulfilling tribal responsibilities under the jurisdiction sought to be reacquired or determined;

(2) establishing and strengthening police forces of the tribes, including recruitment, training, compensation, fringe benefits, and the acquisition and maintenance of police equipment;

(3) establishing and improving tribal courts in order to assure speedy and just trials for offenders, and appointment, training and compensation of qualified judges, and the appointment, training and compensation of qualified Indian prosecution officers, and the establishment of competent legal defender programs;

(4) the establishment and maintenance of correctional facilities and the establishment and strengthening of correctional personnel departments, including recruitment, training, compensation, and fringe benefits.

tion, HENRY M. JACKSON, Chairman, Interior and Insular Affairs Committee, U.S. Senate, Dirksen Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Please accept a belated note of congratulations on your being selected as one of the recipients of our award at this year's fund-raising banquet.

Your work on behalf of legislation for the benefit of American Indians is greatly appreciated, and I extend that sentiment to you on behalf of NCAI and its membership across Indian Country.

I would also like to apprise you of the extent to which we have involved ourselves with the problems of P.L. 83-280. The tribes have gone through considerable expense and time to attend a series of national conferences to arrive at a measure of consensus concerning 280 and the proposed Abourezk bill. We, in no way, wish to undermine his efforts, but we would respectfully request that your office introduce an alternate bill (attached) written by NCAI, which we feel best incorporates the tribal feelings on the jurisdiction question.

I realize only to well the time constraints. However, your help in introducing the bill in time to provide additional focus for the tribes' consideration at the hearings set for the 23rd and 24th of this month, would be greatly appreciated.

Sincerely,

MEL TONASKET,  
President, NCAI.

By Mr. SCHWEIKER (for himself and Mr. JAVITS) (by request):

S. 2011. A bill to extend appropriations authorizations for emergency medical services systems, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. SCHWEIKER. Mr. President, at the request of the administration, I introduce, with my colleague from New York (Mr. JAVITS), S. 2011, a bill to extend appropriations authorizations for emergency medical services systems, and for other purposes. This bill would extend to the end of fiscal year 1978 the appropriations authorizations for emergency medical services systems—EMSS—now due to expire at the end of fiscal year 1976.

Mr. President, I ask unanimous consent that the letter of transmittal of the proposed legislation and the text of the bill be printed in the RECORD.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 2011

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.*

SECTION 1. Section 1203(c)(3) of the Public Health Service Act is amended—

(1) by striking out "for" each time it occurs and inserting instead "in", and

(2) by striking out "June 30, 1976" and inserting instead "September 30, 1978".

SEC. 2. Section 1206(e) of the Act is amended—

(1) by striking out "authorized by this title" and inserting instead "authorized by section 1202, 1203, or 1204", and

(2) in clause (1), by striking out "1207" and inserting instead "1207(a)".

SEC. 3. Section 1207(e) of the Act is amended—

(1) in paragraph (1), by—

(A) striking out "and" after "June 30, 1974",

(B) inserting ", and \$22,600,000 for the